

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

1/14/21 4:49 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA

In re:	:	Case No.:	19-21807-GLT
	:	Chapter:	13
William D. Eckman	:		
Sandra L. Eckman	:		
	:	Date:	1/14/2021
<i>Debtor(s).</i>	:	Time:	01:30

PROCEEDING MEMO

MATTER: #169 - Emergency Motion to Compel restoration of water service
[Response due 1/14/2021]

APPEARANCES:

Debtor: Mark Peduto

NOTES: (1:30)

Court: I see service was sent by email, but based on the lack of any appearance by the respondent and the name, I must ask if service was properly directed?

Peduto: I sent it to the person I've been in contact with re: the water shutoff issue. We also emailed/faxed the entire mailing matrix.

Court: Is she an officer qualified to receive service and have you had any communication with the water authority since the motion was filed?

Peduto: I was given the impression she was. And we haven't had further communication, the debtors became delinquent postpetition and the water was shut off.

Court: When was the water shut off?

Peduto: Between Christmas and New Years. I got the water authority to agree that if I put payment to them in the plan they'd turn it back on. I filed and mailed the amended plan to them, they said it would be acceptable at \$300/month.

Court: The new plan payment is \$1,900/month? What's the status of plan payments?

Peduto: Yes. And they've made consistent payments since October 2019, a slight arrearage arose because they were paying about \$1,500/month but that will be cured with the amended plan. It's only about a \$150/month increase.

Court: They haven't been making full plan payments.

Peduto: We've been telling them they have to.

Court: Have there been any payments to the water authority since the water was shut off?

Peduto: They sent a \$300 money order but I don't know if it's been received.

Court: That's an issue, the authority hasn't affirmatively accepted the terms of the plan and what adequate protection has been offered? They were entitled to turn service off for postpetition non-payment. Sec. 366(a) also talks about refusing service, which means if the Court compels them to restore service, the debtors need to show they're in a position to address this going forward. I'm concerned about the arrearage on the plan, and they need to show they can carry this increase.

Peduto: Debtor husband has a wage attachment that's been remitting over a year.

Court: Does it need to be adjusted, why is there an arrearage?

Peduto: My understanding is that debtor wife had an injury.

Court: I will enter a conditional order, because the other party isn't present and there isn't proof of the payment yet. I will give you a week to produce that information and I will continue the hearing to Thursday, January 21st at 9:30. I will grant temporary relief subject to a final hearing on this motion next week. Serve it on the executive director and the solicitor. A consent order under a COC would be acceptable in lieu of a continued hearing..

OUTCOME:

1. Debtors' *Emergency Motion to Compel restoration of water service* [Dkt. No. 169] is **CONDITIONALLY GRANTED**. Matter reset for hearing on January 21, 2021. [DB to Issue Modified Order]